

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

At the outset, Applicant submits that new claims 25-28 and 30-31 read upon the elected species shown in Figure 4.

Disposition of Claims

Claims 1-24 were pending in the present application. Claims 25-31 have been added by way of this reply. Thus, claims 1-31 are now pending in the present application. Claims 1, 18, and 20 are independent. The remaining claims depend, directly or indirectly, from claims 1, 18, and 20. Claims 3, 5, 8-10, 13, 15, and 17-24 have been withdrawn from consideration.

Claim Amendments

Claims 2, 4, 7-8, and 11-12 have been amended to avoid alternative recitations, and claims 25-31 have been added accordingly. Support for these amendments can be found, for example, in claims 2, 4, 7-8, and 11-12, as filed. Further, claims 1-24 have been amended to clarify what is intended to be the claimed invention. No new matter has been added by these amendments.

Restriction Requirement

With respect to Applicant's traverse in the reply filed on May 26, 2006, the Examiner has asserted that the requirement is still deemed proper. For the following reasons, the requirement is respectfully traversed.

The Examiner has required restriction under 35 U.S.C. § 121 between two groups of claims:

(I) claims 1-17 and 23, drawn to a valve, classified in class 137, subclass 625.48, and (II) claims 18-19, drawn to a nozzle, classified in class 239, subclass 284.1; and

(I) as the above, and (III) claims 20-22 and 24, drawn to a washing system, classified in class 15, subclass 250.01.

According to MPEP § 806.05(c) as cited by the Examiner in the Restriction Requirement dated April 26, 2006, the inventions are distinct if it can be shown that: (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (emphasis added).

Referring to the claims of the present invention, claims 1-17 & 23 recite a valve, and claims 18 and 19 recite a nozzle arrangement with a valve according to claim 1. That is, claims 18 and 19 incorporate claim 1 verbatim. Accordingly, because claims 18 and 19, the combination claims, require the particulars of claim 1, the subcombination, restriction is not proper.

Similarly, claims 20-22 and 24 recite a washing device with a valve according to claim 1 by incorporating claim 1 verbatim and, therefore, require the particulars of claim 1, the subcombination. As such, restriction is also improper for these claims.

In other words, the combinations as claimed (i.e., claims 18-22 and 24) set forth the details of the subcombination as separately claimed (i.e., claim 1), and there is no evidence that the combinations are patentable without the details of the subcombination. That is, the subcombination (i.e., claim 1) is essential to the combinations (i.e., claims 18-22 and 24). Therefore, the inventions are not distinct and the requirement for restriction is improper (*see* MPEP § 806.05(c) I).

In view of the above, Applicant respectfully requests that the restriction requirement be withdrawn.

Rejections under 35 U.S.C. § 112

Under 35 U.S.C. § 112, first paragraph

Claims 1-2, 4, 6-7, 11-12, 14, and 16 stand rejected under 35 U.S.C. § 112, first paragraph, as not being enabled.

The Examiner has asserted that the claimed nozzle with one outlet and a valve supplying two outlets have not been enabled in the Specification. Applicant respectfully submits that Figure 1 and paragraph [0032] of publication of the Specification clearly discloses that “[t]he control valve 14 provides for a total of two outlets 26, 28 connected with a vortex chamber 34 via fluid channels 30, 32.” In addition, the same paragraph discloses that the vortex chamber 34 has one output section 38. That is, a nozzle with one outlet and a valve with two outlets are described in sufficient detail to enable one skilled in the art to make and use the claimed invention.

The Examiner has also asserted that supplying one nozzle in the first valve position as recited in claim 7 has not been enabled. Applicant respectfully submits that Figure 7 and paragraph [0046] clearly disclose that, at a low pressure, the cleaning fluid flows via the inlet 24 to the outlet 26 only. In addition, Figure 8 and paragraph [0048] also describe that the valve body 90 in a low-pressure position connects the inlet 94 with the first outlet 32.

In view of the above, withdrawal of this rejection is respectfully requested.

Under 35 U.S.C. § 112, second paragraph

Claims 1-2, 4, 6-7, 11-12, 14, and 16 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The claims have been amended to remove alternative

recitations and clarify the language according to the Examiner's suggestions. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C § 102

Claims 1, 6-7, 11-12, 14, and 16

Claims 1, 6-7, 11-12, 14, and 16 stand rejected under 35 U.S.C § 102(e) as being anticipated by U.S. Patent No. 6,402,052 issued to Murawa (hereinafter "Murawa"). Claims 1, 6-7, 11-12, 14, and 16 have been amended. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

The present invention is directed to a valve having a valve body controllable by the pressure of cleaning fluid. Amended claim 1 requires, in part, *a valve body* influencing the path of cleaning fluid from the inlet to *the at least two outlets*. Independent claims 18 and 20 include the same limitations.

In one embodiment of the claimed invention, as shown in Figure 3, at a low pressure, the ball element 50 is floating between the valve seat 54 at the inlet 24 and the second valve seat 58 at the outlet 26. Due to such structure, cleaning fluid can flow out to both outlets 26, 28. In addition, at a high pressure, the ball element 50 is driven to close the outlet 26 and, accordingly, fluid can only exit through the outlet 28. Consequently, *one valve body* which is controlled by fluid pressure (e.g., the ball element 50 in the above embodiment) can influence the path of cleaning fluid from the inlet to *the at least two outlets*.

Murawa is directed to a windshield washer nozzle for an automotive vehicle. Murawa discloses a nozzle including a housing, at least one fluid input port, and at least a first flow path and a second flow path.

The Examiner has asserted, at page 4 of the Office Action dated June 26, 2006, that either of the valves 116a, 116b meets the claim language. Referring to Figure 3 of Murawa, however, the balls 116a, 116b connect flow to the outlets 120a, 120b, respectively. That is, Murawa merely discloses that each ball influences fluid flow to only one outlet. Therefore, Murawa does not disclose *a valve body* influencing the path of cleaning fluid from the inlet to *the at least two outlets*, as required by the claimed invention.

In view of the above, Murawa clearly fails to show or suggest all the limitations of independent claims 1, 18, and 20. Thus, claims 1, 18, and 20 are patentable over Murawa, at least for the above reasons. Dependent claims are also patentable for at least the same reasons as the claims from which they depend. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 1-2 and 4

Claims 1-2 and 4 stand rejected under 35 U.S.C § 102(b) as being anticipated by U.S. Patent No. 5,329,949 issued to Moncourtois *et al.* (hereinafter "Moncourtois"). Claims 1-2 and 4 have been amended. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As discussed above, amended claims 1, 18, and 20 require, in part, *a valve body* influencing the path of cleaning fluid from the inlet to *the at least two outlets*.

Moncourtois is directed to a radio remote-controlled automatic vehicle wash system. The Examiner has asserted, at page 4 of the Office Action dated June 26, 2006, that a cleaning nozzle with a piston valve 77 is shown in Moncourtois. However, Moncourtois is completely silent with respect to a valve controlled by fluid pressure, much less *a valve body*

influencing the path of cleaning fluid from the inlet to *the at least two outlets*, as required by the claimed invention.

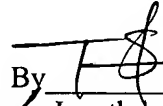
In view of the above, Moncourtois clearly fails to show or suggest all the limitations of independent claims 1, 18, and 20. Thus, claims 1, 18, and 20 are patentable over Moncourtois, at least for the above reasons. Dependent claims are also patentable for at least the same reasons as the claims from which they depend. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this application to be in condition for allowance. If this belief is incorrect, or other issues arise, do not hesitate to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 17102.013001).

Dated: February 2, 2007

Respectfully submitted,

By  #45,079
Jonathan P. Osha THOMAS SCHERER
Registration No.: 33,986
OSHA · LIANG LLP
1221 McKinney St., Suite 2800
Houston, Texas 77010
(713) 228-8600
(713) 228-8778 (Fax)
Attorney for Applicant